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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,004	09/26/2003	Paul R. Gagon	017972-0234	7714
30542	7590	11/14/2007	EXAMINER	
FOLEY & LARDNER LLP			LEE, PING	
P.O. BOX 80278			ART UNIT	PAPER NUMBER
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			11/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/672,004

Applicant(s)

GAGON, PAUL R.

Examiner

Ping Lee

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/8/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gagon (US 5,736,897).

Regarding claims 1 and 5, Gagon discloses an audio pre-amp and mid-band compressor circuit comprising:

a pre-amplifier circuit (the remaining elements in 20 except 26) having a pre-amplifier signal input responsive to a buffered input program signal (from 26) and for processing the buffered input program signal to provide a low-range band-pass signal, a mid-range band-pass signal and a high-range band-pass signal and for adjusting or controlling the relative amplitude of each of the respective low, mid and high range band-pass signals (each of elements 32, 28 and 40) and for summing (by 30) the low-range, band-pass signal, the mid-range band-pass signal and the high-range band-pass to obtain a compensated signal (22),

a voltage controlled amplifier circuit (68) having a signal input coupled to receive the compensated signal (22), and a control signal input coupled to receive at least a sample portion of the mid-range band-pass signal (control signal 76 is depending on signal 66; this signal 66, as shown in Fig. 5, has at least a sample portion of the mid-range band-pass signal), the voltage controlled amplifier circuit being responsive to the

sample portion of the mid-range band-pass signal to scale the compensated signal to provide a corrected output signal at an output terminal (62).

Regarding claim 2, Gagon shows a buffer circuit (26).

Regarding claim 3, Gagon shows a buffer circuit (64).

Regarding claim 4, Gagon shows the detector (100).

Regarding claims 6 and 11, Gagon shows that element 28 is also an inverter.

Therefore, the phrase for this portion of the signal is inverted in phrase comparing to signals from 32 and 40.

Regarding claim 10, Gagon shows an audio pre-amp and mid-band compressor circuit coupled to receive a program signal from a program signal source comprising:

a state-variable pre-amplifier (20) responsive to a program input signal to provide a low-range band-pass signal, a mid-range band-pass signal and a high-range band-pass signal and for summing and scaling the low-range band-pass signal, the mid-range band-signal and the high-range band-pass signal to provide a compensated signal (22), and

a voltage controlled amplifier circuit (68) having

a signal input directly connected to receive the compensated signal (see Fig. 5), and

a control signal input directly connected to (to line 76) receive a sample portion of the mid-range band-pass signal (from line 66, which has a sample portion of the mid-range band-pass signal), the voltage controlled amplifier circuit being further characterized to buffer, detect and filter the sample portion of the

mid-range band-pass signal to provide a buffered, scaled, rectified and filtered control signal (76) (see Fig. 7),

the voltage control amplifier circuit being further characterized as having a voltage control amplifier (68) and buffer component (64), the voltage control amplifier and buffer component having the signal input electrically connected to the compensated signal (22) and the control signal input electrically connected to the buffered, scaled, rectified and filtered control signal (76) to scale the amplitude of the compensated signal in response to the buffered, scaled, rectified and filtered control signal to provide a corrected output signal that remains within a predetermined linear amplitude range at an output terminal (62).

Regarding claim 12, Gagon shows an inverting buffer (108 or 64) having an input connected to the mid-range band-pass signal and an output providing a buffered mid-range band-pass signal, and a half wave rectifier (see Fig. 7, the output at node 122 is the absolute value of the input signal passed through a half wave rectifier) having an input connected to the buffered mid-range band-pass signal to provide the buffered, scaled, rectified and filtered control signal.

### ***Response to Arguments***

3. Applicant's arguments filed 7/23/07 have been fully considered but they are not persuasive.

On p. 12, applicant argued that Gagon '897 fails to show a VCA having a control signal input coupled to receive at least a sample portion of the mid-range band-pass signal.

This is not persuasive. As shown in Fig. 5, the claimed VCA reads on element 68. The control signal for this VCA reads on line 76. As shown in Fig. 7, line 76 is generated by the signal from line 66. As shown in Fig. 5, line 66 is generated from signal on line 22 that has at least a sample portion of the mid-range band-pass signal. Applicant's interpretation of this limitation in view of Fig. 1 of the present invention is irrelevant because all the detail of Fig. 1 has not been positively stated in the claims.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

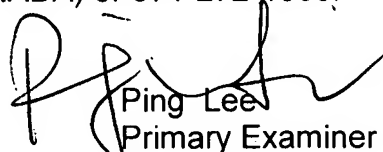
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ping Lee whose telephone number is 571-272-7522.

The examiner can normally be reached on Monday, Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ping Lee  
Primary Examiner  
Art Unit 2615

pwl